

Statement on Signing the Mammography Quality Standards Act of 1992

October 27, 1992

Today I am signing into law H.R. 6182, the “Mammography Quality Standards Act of 1992.” This important legislation will help make mammography screening safer and more accurate.

As National Breast Cancer Awareness Month draws to an end, we are reminded that one woman in eight will develop this devastating disease during her lifetime. Fighting breast cancer has been—and continues to be—one of my health care priorities.

For women with breast cancer, early diagnosis is crucial to successful treatment. We all know that safe and accurate mammography screening, together with monthly self-examinations, are essential to making an early diagnosis. H.R. 6182 will enhance the quality of mammographies performed in the United States. It will require facilities that perform this procedure to meet a set of national standards. The legislation contains an important provision allowing States to have their own certification programs as long as their requirements are no less stringent than the national program.

I wholeheartedly support the very important purpose of this legislation. I applaud Senator Orrin Hatch, who worked to improve the bill and to accommodate Administration concerns about the overly regulatory nature of the initial proposal. Today, I am directing the Secretary of Health and Human Services to ensure, to the maximum extent possible, that no professional group assumes a *de facto* monopoly on the provision of mammography services. In addition, the standards implementing the new program should create no unnecessary burdens on service providers or barriers to women’s access to this vital service. This legislation requires studies on cost-effective regulation and related performance measurements of mammography services that my Administration will follow with interest and use in formulating future policy proposals.

I especially applaud Marilyn Quayle,

whose own mother died of breast cancer, for being a champion in the fight against this dreadful disease. My Administration is deeply committed to ensuring that every woman in this country has access to affordable, high-quality mammograms. This bill will complement those efforts.

I must note, however, that certain provisions of this legislation must be interpreted so that they are consistent with the Appointments Clause of the Constitution. Specifically, I do not interpret the language of proposed 42 U.S.C. 351(g)(1), pertaining to inspections of facilities performing mammograms, to permit persons other than officers of the United States duly appointed pursuant to the Appointments Clause to exercise significant Government authority. Similarly, I do not view the language of proposed 42 U.S.C. 351(g), pertaining to State enforcement programs, as giving State officers the authority to enforce Federal law. Instead, I view it as giving the Secretary of Health and Human Services the authority to exempt States from the regime of Federal regulation if he determines that a parallel system of State regulation provides a satisfactory alternative to Federal regulation.

I also do not interpret the language of proposed 42 U.S.C. 351(j), giving the Secretary of Health and Human Services the right to bring suit in Court, to impair the authority of the Attorney General to conduct all litigation on behalf of the United States, its agencies, and its officers.

GEORGE BUSH

The White House,
October 27, 1992.

Note: H.R. 6182, approved October 27, was assigned Public Law No. 102-539.